Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

Correspondence ending with letter No. 127, dated the 3rd September 1908, from the Deputy Commissioner, Mysore District, on the subject of fostering the growth of sandal trees in occupied lands in the Mysore State.

No. R. 7699-708—FT. 13-05-17, DATED BANGALORE, 25TH MARCH 1909.

ORDER THEREON.—The Government of His Highness the Maharaja have for some time past been considering how far it is practicable to give land-holders an interest in the protection of sandal trees growing on their land, and, again to afford reasonable facilities for the removal of such of them as interfere with the agricultural or other legitimate use of their holdings, with a view to enlisting the willing co-operation of the raiyats in the propagation and conservancy of this most valuable product.

2. The present position of the land-holder with reference to sandalwood trees is briefly as follows. All sandal trees standing in private holdings are the property of Government, and the land-holder is responsible for their preservation. In case of any injury to such trees, he is bound to report the fact to the nearest Revenue Officer and is liable to pay compensation to Government, unless he can prove that the injury was not due to his own act or negligence. Further, he cannot claim to have any tree removed on the ground that it obstructs the lawful use of his land, while the officer of Government who has to deal with such cases has no clear rules to guide him. This system, while it imposes on the land-holder irksome responsibilities compensated by no prospect of ultimate profit, offers a convenient opening for the gratification of private malice and has other undesirable results.

3. The evils of the system have formed the subject of frequent representations in the Representative Assembly and, for many years past, have been a matter of solicitude to successive administrations. In 1872 Col. Van Someren, Conservator of Forests, proposed to provide an inducement to the raiyat to take care of the trees on his land by paying him a commission of 15 per cent of the value of trees removed from his holding at the instance of Government. In 1875 Sir Richard Meade, then Chief Commissioner of Mysore, notified that, with a view to encourage the conservation of sandal trees on occupied lands, a percentage of the value of all such trees felled on their lands would be allotted to the occupants in certain proportions ranging from 5 to 15 per cent, depending on the length of time that the land had been in the possession of the occupant when the tree was felled. This notification was to come into force on the 1st April 1876, but the framing of rules intended to give effect to the safeguards then considered essential offered so much practical difficulty that the scheme was abandoned. The scheme provided that the land-holder's percentage should be calculated and paid at the forest depot after the actual value of the tree, the number of years during which the land-holder had been in possession of the land and other particulars had been ascertained. This involved the preparation and maintenance of a voluminous record and the adoption of numerous precautions against fraud and it was decided that the burden of work thus entailed was not one which could be imposed on the subordinate revenue and village agencies.

4. Since 1875 the subject has now and again come under consideration without any satisfactory conclusion being reached. The Government of His Highness however consider that the practical difficulties attendant on the scheme should not be permitted to stand permanently in the way of a measure, the desirability of which has so long been recognised. The subject has therefore been again taken up for consideration and during the last year, the opinions of the Revenue Commissioner, the Deputy Commissioners of Districts and of certain other official and non-official gentlemen have been obtained. The question has been thoroughly discussed in all its aspects and the opinion elicited, which is almost unanimous, is that it would be both a gracious concession and good policy to give the raiyat a share in

the profits derived by Government from trees growing on his holding and to afford him facilities for the removal of such sandal trees as are obstacles to the legitimate use of the land.

5. In either case it is necessary to estimate the value of the tree removed and Government consider that the method adopted for this purpose should be as simple as possible. They propose therefore to exclude all consideration as to the length of time during which the raiyat has been in possession of the land. They believe that in the girth of a tree is to be found a fair and simple measure of its value and that, if the trees are separated into a few well-defined classes according to their girth, it will be possible to estimate the amount payable with a reasonable degree of accuracy. Government are therefore pleased to direct that the girth of a sandal tree be taken as the basis for the computation of the bonus.

6. As this concession is intended partly to serve as an incentive to the raiyats to pay greater attention in the future than they have done in the past to the sandal trees on their lands, Government consider that it would be sufficient to adopt somewhat lower rates during the next ten years and to bring the full rates into force after the expiration of that period. They are therefore pleased to direct that amounts calculated according to the rates fixed in the following scale be paid to occupants from whose lands sandal trees are removed. This scale is only for mature trees:—

Class	Girth of tree at, 4 ft. above ground level	Bonus payable	
		First 10 years	Afterwards
	Inches	Rs. a. p.	Rs. a. p.
I	Below 12	0 8 0	0 8 0
II	12 to 21	1 8 0	1 8 0
III	21 to 30	3 8 0	4 8 0
IV	30 to 36	4 0 0	7 8 0
V	Above 36	5 0 0	10 0 0

Note.—A mature tree is one which is showing signs of decay. This is indicated by the following external symptoms:—

(*a*) dead main branches and leading shoot,
(*b*) decay of bark, and
(*c*) pale color and diminutive size of the leaves.

A further and infallible test is that the heart-wood must not be at a lower depth than one inch from the surface.

7. If a tree dies before attaining maturity, and the District Forest Officer is satisfied that the premature death of the tree was due solely to natural causes, such as lightning or spike disease, over which the occupant had no control, or which he could not have prevented, payment will be made at the same rates as those prescribed above for mature trees, but the girth of the dead tree will be measured with the white wood removed. On trees which have been destroyed by fire no bonus will be paid.

8. Separate rules as in the appendix to this order will be issued regarding the procedure to be followed in connection with the removal of mature trees and the payment of bonuses thereon.

9. While recognising the desirability of affording facilities for the removal of trees that interfere with the legitimate use of holdings, Government are bound to consider the fact that the removal of immature trees causes appreciable loss of revenue. It is therefore only fair that reasonable compensation should be levied from raiyats requiring such removal, and this is the practice in the adjoining Province of Coorg. The rates of compensation in force there vary from Rs. 3-2-0 for a tree of 3 " in girth to Rs. 25 for a tree of 48", and it is also provided that the

marketable value, if any, of the tree when removed should be ascertained and deducted from the fine payable. The Government of His Highness are however of opinion that the end to be kept in view is not the securing of a full revenue but the discouragement of unnecessary applications, and that this can be attained by means of a simpler rule of compensation. They are accordingly pleased to direct that when it is proved that the removal of a tree is necessary for the legitimate enjoyment of any land, it shall be competent to the District Forest Officer to permit the removal of such tree on payment by the occupant of compensation fixed according to the following scale :—

Class	Girth at 4 ft. above ground level	Amount of compensation payable to Govt. by the occupant	Class	Girth at 4 ft. above ground level	Amount of compensation payable to Govt. by the occupant
	Inches	Rs. a. p.		Inches	Rs. a. p.
I ...	Below 12	1 0 0	III ...	24 to 30	4 0 0
II ...	12 to 24	2 0 0	IV ...	Above 30	6 0 0

The claim for compensation may, however, be waived in cases of hardship at the discretion of the District Forest Officer, when the amount to be remitted is not more than Rs. 10 in regard to the same survey number. When the amount exceeds Rs. 10 but does not exceed Rs. 50, the Conservator of Forests may similarly waive the claim for compensation at his discretion. When the amount proposed to be remitted exceeds Rs. 50, the case shall be reported for the orders of the Government.

No compensation will be levied on mature trees or on trees not exceeding 4″ in girth. Bonuses will be paid on mature trees removed by desire of the occupant at the rates mentioned in paragraph 6 above.

It should be noted that the rules in this paragraph apply only to the removal, within a reasonable limit, of trees interfering with the legitimate use of any land, and not where the removal of trees on a large scale is asked for.

10. Government are aware that the measures now adopted do not cover the whole ground and that certain disabilities can only be removed if the raiyat is further relieved of the burden of proving his own innocence in the case of damage to sandal trees standing on his land. In view of the fiscal and economic importance of the tree, Government do not feel justified in taking such a step. They trust, however, that these concessions will mitigate to a substantial degree the rigour of the monopoly and encourage land-holders to co-operate with Government in the propagation and preservation of sandal trees in the State.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

NOTIFICATION.

No. 7709—Ft. 13-05-18, dated 25th March 1909.

Under Section 76 of the Mysore Forest Regulation (XI of 1900), the Government of His Highness the Maharaja are pleased to issue the following rules regarding the removal of sandal trees from occupied lands and the payment of bonuses to the occupants thereof :—